

**Notice of Allowability**

Application No.

10/824,049

Examiner

Van T. Trieu

Applicant(s)

DIORIO ET AL.

Art Unit

2636

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the Preliminary Amendment filed on 27 June 2005.
2. ☒ The allowed claim(s) is/are 80-101.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying Indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date 7/19/04 & 6/27/05
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

## **DETAILED ACTION**

### **EXAMINER'S AMENDMENT**

1. The Preliminary Amendment filed on 19 July 2004 is not compliant because it should be on a separate page and text not underlined. Therefore, a correction of application has been amended as follows:

At page 2, after the title, please insert the following:

--- The present patent application claims the priority benefit of the filing date of United States Provisional Application No. 60/519,031 filed November 10, 2003, which is incorporated herein by reference. ---

### ***Allowable Subject Matter***

2. The following is an examiner's statement of reasons for allowance: there are no prior arts teaching or suggesting of an apparatus and method of an RFID reader adapted to communicate with RFID tags, comprising:

**an interface to receive an input at the RFID reader indicating at least one of a plurality of conditions pertaining to an environment of the reader, the conditions being one of a number of RFID tags in the environment, a number of other readers operating in the environment, and whether another reader operates at a frequency in a similar channel as the reader;**

**a controller to select one of a plurality of modulation formats based on the input; and**

an antenna for communicating with the tags according to the selected format.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

**Allen** discloses a method and apparatus for identification and monitoring of and obtaining data relating to products moving along a distribution path, including at least one RFID tag mountable to a product and a plurality of interrogators spaced along the distribution path. [US 6,917,291]

**Eroglu et al** disclose an interrogator that transmits a first and second interrogation signal each having a first operational characteristic that differs from the other. The interrogator receives a first and second return signal corresponding to the respective interrogation signals. [US 6,784,789]

**Issacman et al** discloses an apparatus and method for a RF document control system that enables the location of documents to be automatically and rapidly identified. The local exciters are sequentially addressed and retransmit the coded RF signal at a second frequency, which is modulated by the energized tag. [US 6,127,928]

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**MacLellan et al** discloses a TDMA duplex radio communication system uses an interrogator to generate a first radio signal by modulating a first information signal onto a radio carrier signal, which is sent to at least one remote tag of the system.

[US 5,940,006]

4. Any inquiry concerning this communication or earlier communications from examiner should be directed to primary examiner **Van Trieu** whose telephone number is (571) 272-2972. The examiner can normally be reached on Mon-Fri from 7:00 AM to 3:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. **Jeffery Hofsass** can be reached on (571) 272-2981.

A handwritten signature in black ink, appearing to read 'Van Trieu', with a long horizontal flourish extending to the right.

**Van Trieu**  
**Primary Examiner**  
**Date: 10/26/05**